
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Dan Etulain |) | File No. EB-03-AN-066 |
| Licensee of Television Station KSCT-LP |) | |
| Facility ID #15348 |) | NOV No. 20043278001 |
| Sitka, Alaska |) | |
| |) | |

NOTICE OF VIOLATION

Released: March 17, 2004

By the Anchorage Resident Agent Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Dan Etulain, licensee of low power television station KSCT-LP.

2. On June 12, 2003, an agent of the Commission's Anchorage Resident Agent Office inspected low power television station KSCT-LP located at 520 Lake St., Sitka, Alaska, and observed the following violation(s):

- a. 47 C.F.R. § 11.35(a): "Broadcast stations must determine the cause of any failure to receive the required tests or activations specified in § 11.61(a)(1) and (2). Appropriate entries must be made in the broadcast station log as specified in § 73.1820 and § 73.1840 of this chapter." The agent did not locate log entries stating the reason for the failure to receive the required second monitoring source, LP-1 (KIFW) the weeks of March 9, March 23, March 30, April 12, April 20, May 11, 2003. The agent did not locate entries stating the reason for the failure to receive the required two monitoring sources the weeks of March 16 and April 27, 2003.
- b. 47 C.F.R. § 73.1800(b): "The logs shall be kept in an orderly and legible manner, in suitable form and in such detail that the data required for the particular class of station concerned is readily available. The EAS log presented to the agent were EAS printouts, rolled up, taken directly off the printer. It was difficult for the agent to easily locate specific calendar dates, weekly/monthly test receipts.

¹ 47 C.F.R. § 1.89.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Dan Etulain must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain what procedures have been instituted since the June 12, 2003 inspection to ensure that appropriate EAS tests are received and logged. The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Anchorage Resident Agent Office
P.O. Box 221849
Anchorage, Alaska 99522-1849

4. This Notice shall be sent to Dan Etulain, 520 Lake St., Sitka, Alaska 99835.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Marlene Windel
Resident Agent
Anchorage Resident Agent Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*